

AN ORDINANCE

99459

APPROVING THE RENEWAL OF A PARKING AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE UNIVERSITY OF TEXAS AT SAN ANTONIO DOWNTOWN CAMPUS FOR A PERIOD OF TWELVE (12) MONTHS BEGINNING ON JULY 1, 2004 AND ENDING ON JUNE 30, 2005, FOR THE USE OF 700 PARKING SPACES UNDER INTERSTATE HIGHWAY 35 FOR AN ANNUAL FEE OF \$111,000.00 WITH THE OPTION GRANTED TO BOTH PARTIES BY MUTUAL NEGOTIATION TO RENEW THE AGREEMENT FOR TWO (2) CONSECUTIVE ONE-YEAR RENEWAL TERMS, SUBJECT TO CITY COUNCIL APPROVAL; AND ALSO APPROVES AN AMENDMENT TO THE AGREEMENT AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE ANY DOCUMENTATION NECESSARY TO EXPEDITE PROMPT REFUND, ON A PRO RATA BASIS, OF ANY MONIES PAID IN ADVANCE FOR PARKING PURSUANT TO THIS AGREEMENT, WITHOUT THE NECESSITY FOR ADDITIONAL APPROVAL BY THE SAN ANTONIO CITY COUNCIL, SHOULD THE UNIVERSITY OF TEXAS AT SAN ANTONIO EXERCISE A RIGHT TO EARLY TERMINATION PROVIDED IN THE AGREEMENT.

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WHEREAS, a Parking Agreement between the City and the University of Texas at San Antonio (UTSA) Downtown Campus to use 700 parking spaces located underneath I.H. 35 from Buena Vista Street/Dolorosa Street to approximately 500 feet south of Guadalupe Street was authorized by Ordinance Number 96146 on August 8, 2002 for a two-year term from July 1, 2002 to June 30, 2004 with three one-year renewal options; and UTSA has requested that the City renew the existing agreement, for a one-year term from July 1, 2004 through June 30, 2005, and the City is agreeable thereto, for an annual fee of \$111,000.00; and

WHEREAS, UTSA has advised the City that it desires to enter into a future agreement with the Texas Department of Transportation (TxDOT) for such parking under IH 35, which will allow UTSA to be responsible for the operation and maintenance of the designated area; and

WHEREAS, until said agreement is approved, TxDOT will allow the City to continue operation of the parking areas in accordance with the existing Multiple Use Agreement and should TxDOT terminate the City's right to use the designated area for parking purposes, the duty to provide UTSA with parking shall terminate and the City shall promptly refund, on a pro rata basis, any money paid in advance for parking pursuant to the Parking Agreement; and

WHEREAS, UTSA has already executed the "Renewal of University of Texas at San Antonio/City of San Antonio Parking Agreement", thus in order to expedite prompt refund of the money already paid by UTSA, without the necessity of getting City Council approval at a later date, it is necessary to amend the Renewal and Extension of a Parking Agreement to provide for such administrative procedure; and

WHEREAS, this ordinance is consistent with the City's policy to promote downtown economic development by providing affordable parking; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Renewal of University of Texas at San Antonio/City of San Antonio Parking Agreement is hereby approved, extending the UTSA Downtown Campus/City of San Antonio Parking Agreement that was authorized by Ordinance Number 96146 dated August 8, 2002, pursuant to the terms and conditions of the original agreement, for a one-year term beginning July 1, 2004 and terminating June 30, 2005 for an annual fee of \$111,000.00. The City Manager or her designee is authorized to execute the "Renewal of University of Texas at San Antonio/City of San Antonio Parking Agreement", a copy of which, execute on behalf of The University of Texas at San Antonio, is affixed hereto and incorporated herein by reference for all purposes as **Attachment I**.

SECTION 2. An Amendment to Renewal of University of Texas at San Antonio/City of San Antonio Parking Agreement is also approved, authorizing the City Manager or her designee to execute any documents necessary to expedite prompt refund, on a pro rata basis, of any money paid in advance pursuant to this agreement, without further approval of the City Council, should UTSA exercise its right to early termination of the Parking Agreement. A copy of the Amendment, in substantially final form, is affixed hereto and incorporated herein by reference for all purposes as **Attachment II**. The City Manager or her designee is also authorized to execute such Amendment.

SECTION 3. The proceeds of this Agreement shall be deposited into Fund 53-004 entitled "Parking," Index Code 053686, entitled, "Spring Permits - UTSA/I-35 Parking."

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 5. This ordinance shall take effect on the 1st day of August, 2004.

PASSED AND APPROVED this 22nd day of July, 2004.




M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney